IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

Bail Appl..No. 7135 of 2006()

AGAINST THE ORDER DATED 06/11/2006 IN
CMP.3285/2006 & CMP.3356/2006 DT.16.11.2006
of J.M.F.C.-II,HOSDRUG
CR.NO.37/06 OF NILESHWAR EXCISE RANGE.

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PETITIONER/ACCUSED:

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1. PADMINI.E., D/O.KARIYAN AMBADI,
VADAKKANTHATTU DESOM, KINANOOR VILLAGE,
HOSDURG TALUK.

2. K.V.RAMACHANDRAN,
S/O.KANATHUM VATHUKKAL VEETTIL APPUTTY,
CHAMAKUZHI DESAM, KIANOOR VILLAGE.

BY ADV. SMT.T.SUDHAMANI

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA REP.BY
PUBLI PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 7135 OF 2006

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DATED THIS THE 4TH DAY OF DECEMBER, 2006

O R D E R

Petitioners who are accused Nos.1 and 2 in C.R.No.37/06 of Nileshwar Excise Range for offences punishable under sections 55(a) and 55(g) of the Abkari Act for allegedly having been found in possession of 1 ½ litres of arrack and 20 litres of wash on 3.11.2006 and who were arrested on the same day, seek bail.

2. Learned Public Prosecutor on instructions submitted that the first petitioner is an accused in two other crimes involving similar offences. With regard to the second petitioner, he had no opposition. In the case of the first petitioner, I am not satisfied that both the grounds enumerated under sections 41A(b)(ii) of the Abkari act are present in this case so as to justify the release of the first petitioner on bail. In the case of the second petitioner, I am inclined to grant bail. Accordingly, this application is allowed in part disallowing bail to the first petitioner Padmini but granting bail to the second petitioner K.V.Ramachandran.

3. The second petitioner is accordingly directed to be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like amount to

the satisfaction of the J.F.C.M.-II, Hosdurg and subject to the following conditions:

1. 2nd Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The 2nd petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The 2nd petitioner shall not commit any offence while on bail.

If the 2nd petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn